THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO.3417 OF 2007

Between:

K.Karthik, /o. Late Lakshman Swamy, 22 years, business, R/o. C/o.V.Rambabu, H.No.8-2-2561, Allwyn Colony, Last RTC Bus Stop, Kukatpally, Hyderabad.

…Petitioner

Vs.

1.The Circle Inspector of Police, Jubilee Hills, Hyderabad.

2) The Deputy Commissioner of Police, West Zone, Hyderabad.

3) The Commissioner of Police, Hyderabad.

4) Nakkanti Sathyanarayana, S/o. not known, 42 years, Near Hanuman Camp, Sindanoor, Rayachoti District, Karnataka.

…..Respondents.

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JUDGMENT: (PER BPR.J.,)

This writ petition is filed under Article 227 of the Constitution of India by the petitioner/husband in the nature of Habeas Corpus, seeking to declare the action of respondents 1 to 4 in taking away her wife Smt.J.Swetha, who is a major, from the lawful custody of the petitioner and subjecting her to harassment as illegal and un-just.

Heard both the learned counsel for the petitioner and the learned Advocate General appearing for the respondent Nos.1 to 3 and also Sri K.Sreenivas Reddy, learned counsel for the fourth respondent.

The grievance of the petitioner is that on 11.09.2006 his marriage with K.Swetha took place at his native place at Narsapur, which was opposed by her parents. On 08.12.2006, at about 2.30 p.m., her parents came to his house and dragged her wife and took her forcibly from his custody. In spite of giving a complaint to the police, no action was taken by them. Hence, this writ petition.

In the counter affidavit filed on behalf of respondent Nos. 1 to 3 it is stated that when they enquired into the matter, they came to know that both the petitioner and detenu are majors and married without informing the parents of the alleged detenu and since 08.12.2006 they are living happily at the house of the petitioner situated at Rahamathnagar, Yousufguda, Hyderabad. It is also stated that the detenu also informed them that respondent No.4 (father of the detenu) approached her on 08.12.2006 and insisted her to accompany him. The girl also expressed her willingness to join her husband. In the counter affidavit of respondent No.4 it is stated that he is not aware of the marriage between the petitioner and her daughter, but on enquiry he traced out the residence of the petitioner and with great difficulty, he traced out her daughter.

After hearing both the learned counsel and also examining the girl K.Swetha in the Court, she expressed her willingness to join the petitioner.

Having regard to the views expressed on behalf of respondent No.2 in regard to the fair complexity of the girl, Smt. W.V.S.Rajeswari and Mrs.Naseeb Afshan were appointed to have an interview with Mrs.Swetha and report at 2.15 p.m. Both the learned counsel after examining the girl reported that they had a few talk with her without any apprehension and she expressed her willingness to join the petitioner.

Having heard the learned counsel and also having regard to the willingness expressed by Mrs.Swetha to live with the petitioner, the writ petition is allowed, directing the respondents to bring Smt.K.Swetha to the custody of the petitioner.

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B.PRAKASH RAO J.,

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M.VENKATESWARA REDDY J.,

Dt.05.03.2007
tjs